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EXAMINER

FLETCHER, JAMES A

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2621

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/805,748
Filing Date: March 13, 2001
Appellant(s): GUTTA ET AL.

James D. Lembach
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08 September 2006 appealing from the
Office action mailed 08 February 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Claims 3, 11-12, 33, and 41-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. Claims 3, 11-12, 33, and 41-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,473,095	Martino et al.	10-2002
6,137,544	Dimitrova et al.	10-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-10, 14-17, 19-32, 34-40, 44-47, and 49-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Martino et al (6,473,095) and Dimitrova et al (6,137,544), which is incorporated by reference by Martino et al (Col 1, line 44 where application Ser. No. 08/867,140 corresponds to the referenced Dimitrova et al patent).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1 and 31, Dimitrova et al disclose a system and method for processing video source frames within a display device (Col 3, lines 18-19 "Signals from the source video are received by a television, a VCR or other processing device"), comprising:

- a video frame extraction algorithm within the display system that dynamically and non-contiguously extracts key frames from the video source frames during execution of the video source frames (Col 3, lines 23-26 "a host processor...performs significant scene detection and keyframe selection");

- a processor within the display system that executes the video source frames and executes the video source frame extraction algorithm (Col 3, lines 23-26 “a host processor...performs significant scene detection and keyframe selection”);
- a video input device within the display system that receives the video source frames from a video source, wherein the video input device is coupled to the processor (Col 3, lines 17-18 “Signals from the source video are received by a television, a VCR or other processing device”);
- a memory structure within the display system that is coupled to the processor (Fig. 2A, item 234 “Frame Memory” is shown coupled to item 230 “Significant Scene Processor”);
- wherein a first memory of the memory structure within the display system stores the extracted key frames (Col 3, lines 23-28 “a host processor...stores keyframes as a data structure in a memory”); and
- a terminating mechanism that terminates extraction of the key frames prior to completion of execution of the video source frames (Col 3, lines 39-42 “if the tape, or file, is not completely recorded on at one time, a partially created video index could be saved on the tape, file, etc.”).

Regarding claims 2, 4, 5, 32, 34, and 35, Dimitrova et al disclose a system and method for processing video source frames wherein the first memory includes a temporary or permanent memory, and includes forms of those memories (Col 4, lines 35-38 “an index memory, such as, for example, a hard disk, file, tape, DVD, or other

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storage medium” The examiner notes that such media are well known to those of ordinary skill in the art to be useful for both temporary and permanent storage of data.).

Regarding claims 6 and 36, Dimitrova et al disclose a system and method for processing video source frames comprising a recording mechanism that records in the first memory an indication of a video source frame being executed when the extraction of key frames is terminated (Fig 1 illustrates a flow chart that indicates the recording of keyframe data to a tape memory as a final step in the acquisition of keyframe data).

Regarding claims 7 and 37, Martino et al disclose a system and method for processing video source frames wherein the recording mechanism records the indication in a special key frame that is appended to the extracted key frames in the first memory (Col 4, lines 21-22 “A program boundary is placed between H₇ and H₆ in accordance with box 209 [sic] of FIG. 2”).

Regarding claims 8 and 38, Dimitrova et al disclose a system and method for processing video source frames wherein the terminating is triggered by action of a user-controlled device (Col 13, lines 44-46 “An additional feature would allow a user to stop the playing of a video tape at any point and access the visual index for that video tape”).

Regarding claims 9 and 39, Dimitrova et al disclose a system and method for processing video source frames wherein the user-controlled device includes a user input that is coupled to the processor (Col 2, lines 42-44 “the selected area for the visual index may occur anywhere in the file, and may be reserved by a system automatically or manually selected by a user”).

Regarding claims 10 and 40, Dimitrova et al disclose terminating the processing of video source frames when a predetermined condition has occurred (Col 3, lines 40-43 “if the tape, or file, is not completely recorded on at one time, a partially created video index could be saved on the tape, file, etc. or could be saved in a tape memory for later additions”).

Regarding claims 14 and 44, Dimitrova et al disclose a system and method for processing video source frames comprising an output display through which a user may review the extracted key frames, wherein the output display is coupled to the processor (Col 13, lines 21-24 “the host processor 210 in step 808 which writes the processed keyframes to display memory and displays them in a user interface such as a computer display, television screen, etc.”).

Regarding claims 15 and 45, Dimitrova et al disclose a system and method for processing video source frames wherein the output display includes a television screen or a computer monitor (Fig 4 shows the output display as being available on either a television screen 412 or a computer monitor 410).

Regarding claims 16-18 and 46-48, Dimitrova et al disclose a system and method for processing video source frames wherein the system permits review of the key frames prior to, when, or after completion of execution of the video source frames, or before the terminating mechanism terminates extracting the key frames (Col 3, lines 39-42 “if the tape, or file, is not completely recorded on at one time, a partially created video index could be saved on the tape, file, etc., or could be saved in a tape memory for alter additions” and Col 9, lines 44-46 “Keyframe filtering...may be performed as

each frame is processed under the significant scene detection process or after all the frames have been processed”).

Regarding claims 19 and 49, Yeo et al disclose a system and method for processing video source frames wherein the system permits review of the key frames upon or after completion of execution of the video source frames (Col 12, lines 66-67 “Once a video tape or file has a visual index, a user may wish to access the visual index”).

Regarding claims 20 and 50, Dimitrova et al disclose a system and method for processing video source frames comprising an erasing mechanism that erases the key frames from the first memory at or after completion of review of the key frames by the user (Col 10, lines 38-40 “using block signatures, specific images or frames may be filtered out from the visual index”).

Regarding claims 21 and 51, Dimitrova et al disclose a system and method for processing video source frames wherein the erasing mechanism is triggered by action of the user (Col 12, lines 29-31 “The present invention allows the user to choose whether to include keyframes from the commercials as part of the visual index or instead, exclude those keyframes”).

Regarding claims 22 and 52, Dimitrova et al disclose a system and method for processing video source frames comprising a user input device for user manipulation (Col 13, lines 44-46, “An additional feature would allow a user to stop the playing of a video tape at any point and access the visual index for that video tape”).

Regarding claims 23-24 and 53-54, Dimitrova et al disclose a system and method for processing video source frames wherein the erasing mechanism is triggered when a predetermined condition has occurred, if that condition includes completion of execution of the video source frames (Col 9, lines 44-46, "Keyframe filtering...may be performed...after all the frames have been processed").

Regarding claims 25 and 55, Dimitrova et al disclose a system and method for processing video source frames wherein the predetermined condition includes an elapsed of a predetermined amount of time following the review of the key frames (Col. 6, lines 22-25 "When the counter reaches a predetermined number...the most previous video frame saved in the temporary memory is transferred to the frame memory").

Regarding claims 26 and 56, Dimitrova et al disclose a system and method for processing video source frames comprising a second memory of the memory structure and a transferring mechanism, wherein the transferring mechanism transfers the key frames from the first memory to the second memory (Col 3, lines 31-32 "the data structure is transferred from the memory to the source tape.").

Regarding claims 27 and 57, Dimitrova discloses deleting the key frames from the first memory after the transferring mechanism completes transfer of the key frames from the first memory to the second memory (Col 3, lines 31-32 "the data structure is transferred from the memory to the source tape." The examiner notes that the transfer of data or any other object implies the movement of that data or object from a source to a destination, and that the source no longer has the original data or object. If such a

loss of the object from the source were intended, the term “copy” would be appropriate to the movement of data.)

Regarding claims 28 and 58, Dimitrova et al disclose a system and method for processing video source frames wherein the video frame extraction algorithm comprises a content-based method of video frame extraction (Col 5, lines 14-15 “The present invention may use several different significant scene detection methods”).

Regarding claims 29 and 59, Dimitrova et al disclose a system and method for processing video source frames wherein the content-based method includes a keyframe scene detection method (Col 5, lines 27-40 describe “Method One”), a Method Two keyframe scene detection method (Col 6, lines 32-49 describe “Method Two”), a Method Three keyframe scene detection method (Col 7 lines 23-39 describe “Method Three”), and a Method Four keyframe scene detection method (Col 8, lines 19-45 describe “Method Four”).

Regarding claims 30 and 60, Dimitrova et al disclose a system and method for processing video source frames wherein the video frame extraction algorithm comprises a content-independent method of video frame extraction (Col 6, lines 22-25 “When the counter reaches a predetermined number...the most previous video frame saved in the temporary memory is transferred to the frame memory”).

(10) Response to Argument

In re pages 7 and 8, and claims 1 and 31, Appellant’s Representative states:
“The appellants assert that col. 3, lines 23-28 of Dimitrova et al. disclose key frames are

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stored in a memory, disk or other storage medium and that Dimitrova et al. do not disclose or suggest that a first memory of the memory structure stores the key frames.”

The Examiner respectfully notes that the broadly claimed “first memory” of the appealed claims is met by the “memory, disk or other storage medium” disclosed by Dimitrova et al.

In re page 8 and further claims 1 and 31, Appellant’s representative states: “the statement made by Dimitrova et al; that if the recording is not completed at one time, a partially created video index can be stored (see col. 3, lines 39-42) is not a disclosure or suggestion for any termination of the extracting of key frames prior to completion of executing of the video source frames.”

The Examiner respectfully disagrees, and understands the disclosure in Dimitrova et al. of a recording that is not completed is an explicit anticipation of a termination of recording, and thereby a termination of extraction of key frames.

In re page 8 and claims 2, 4, 5, 32, 34, and 35, Appellant’s Representative states: “There is no disclosure or suggestion within Dimitrova et al or Marino *[sic]* et al. for storing the extracted key frames in a first memory of the memory structure wherein the first memory includes a temporary memory.”

The Examiner respectfully notes that any memory that can be erased or removed from the apparatus in question clearly meets the requirement of the broadly recited “temporary memory.” Further, Dimitrova et al. explicitly discloses and anticipates such a memory as noted in the final rejection under appeal.

In re page 8 and claims 6 and 36, Appellant's Representative states: "This rejection does not address recording in the first memory."

The Examiner respectfully disagrees, and notes that the tape memory disclosed by Dimitrova et al. is a memory on which key frame data is recorded.

Further in re page 8 and claims 6 and 36, Appellant's Representative states: "This rejection does not address that which is being recorded is an indication of a video source frame being executed when the extraction of key frames is terminated."

The Examiner respectfully notes that the broadly termed "indication of a video source frame being executed" is clearly met by the cited "transfer data structure to tape as visual index" 107 after the step of "rewind tape" 106, which necessarily includes the termination of recording of step 112.

In re page 9 and claims 7 and 37, Appellant's Representative states: "There is no disclosure or suggestion within Dimitrova et al. or Marino et al. for the first memory comprises generating a special key frame that includes the indication of the video source frame being executed when the extraction of key frames is terminated, and further comprising appending the special key frame to the extracted key frames in the first memory."

The Examiner is admittedly confused by this statement for two reasons. First, he has not cited any reference under the name "Marino et al." The Examiner believes the Appellant's Representative intended to indicate "Martino et al," and will proceed as though that was what the Appellant's Representative stated. Further, the statement is not a normally constructed sentence. The Examiner believes the Appellant's

Representative intended to state ...**recording in** the first memory comprises generating... and will proceed as though that was what the Appellant's Representative stated.

To that end, the Examiner respectfully disagrees. The Appellant's Representative has made no specific declaration of where the Examiner's citation of Martino et al is deficient, so the Examiner will note that the key frame that includes the indication of the video source frame being executed when the extraction of key frames is terminated has already been addressed, and further note that the program boundary disclosed by Martino et al is an appendage of a special indication (or key frame) of termination of recording. It is worth noting that the cited figure and element number in the specification of Martino et al is incorrect, and should indicate Fig. 3, which illustrates the placement of the indicator of terminated recording.

In re page 9 and claims 9 and 39, Appellant's Representative states: "There is no disclosure or suggestion within Dimitrova et al. or Marino *[sic]* et al. for the terminating being triggered by action of a user of the VPS, wherein the action includes a manipulating by the user of a user input device."

The Examiner respectfully disagrees, and points out that Dimitrova et al. explicitly disclose the termination by the user in Col 2, lines 42-44. By further explanation, however, the Examiner notes that the disclosure used states: "For a file, the selected area for the visual index may occur anywhere in the file, and may be reserved by a system automatically or manually selected by a user." Clearly, the reservation must be through a "user input device," although the nature of that device is unstated in the

reference. However, several such input devices are known to those of skill in the art. Further, the reservation, as disclosed by Dimitrova et al., clearly indicates both a beginning and a termination of the reservation, thereby meeting the limitation recited by the Appellant.

In re pages 9 and 10 and claims 10 and 40, Appellant's Representative states: "The appellants, respectfully, assert that this assertion contained in the rejection does not address the predetermined condition."

The Examiner notes that although a predetermined condition is recited, it is not defined in either claim, nor in any claims upon which the claims depend. Therefore, the predetermined condition can simply mean existence of the apparatus. However, the Examiner has addressed the recitation, as noted in Dimitrova et al. in the final rejection "if the tape, or file, is not completely recorded on at one time..."

In re page 10 and further claims 10 and 40, Appellant's Representative states: "the terminating of key frames is defined to occur prior to the completion of the executing of the video source frames."

While the Examiner agrees with this statement, he disagrees that this is recited or implied as being the predetermined condition under discussion. Further, the disclosure of the indication of a recording that is interrupted during the recording operation in Dimitrova et al. as cited above clearly and explicitly discloses a "predetermined condition."

In re page 10 and claims 14 and 44, Appellant's Representative states: "There is no disclosure or suggestion within Dimitrova et al. or Marino *[sic]* et al. for reviewing

the key frames by a user of the VPS, wherein the reviewing occurs through an output display that is coupled to the processor.”

The Examiner notes that the Appellant’s Representative has not shown why he feels the cited prior art is deficient, so the Examiner is unclear as to why the Appellant’s Representative draws this conclusion, since Dimitrova et al. clearly and explicitly disclose the reviewing of key frames through an output display, as noted in the final rejection.

In re page 10 and claims 16-18 and 46-48, Appellant’s Representative states: There is no disclosure or suggestion within Dimitrova et al. or Marino *[sic]* et al. for reviewing key frames by a user of the VPS, wherein the reviewing occurs prior to completion of executing of the video source frames, wherein the reviewing occurs at or after the terminating, wherein the reviewing occurs prior to the terminating.”

Again, the Examiner is unclear as to why the Appellant’s Representative draws this conclusion, since Dimitrova et al. clearly and explicitly disclose review of key frames during the various stages of recording, as cited in the final rejection.

In re page 11 and claims 19 and 49, Appellant’s Representative states: “There is no disclosure or suggestion within Dimitrova et al. or Marino *[sic]* et al. for reviewing the key frames by a user of the VPS, wherein the reviewing occurs at or after completion of executing the video source frames.”

As noted above, the Applicant’s Representative has failed to show why he feels the citation of prior art fails this disclosure, so the Examiner is again unclear as to why the Applicant’s Representative has drawn this conclusion. The Examiner can only

restate that the cited prior art clearly and explicitly discloses the recited reviewing of key frames at the times recited by the claims, as cited in the final rejection.

In re page 11 and claims 20 and 50, Appellant's Representative states: "There is no disclosure or suggestion within Dimitrova et al. or Marino *[sic]* et al for reviewing the key frames by a user of the VPS, wherein at or after completion of the reviewing, erasing the key frames from the first memory."

Again, the Appellant's Representative has not noted any particular deficiency in the cited prior art for the Examiner to respond to, leaving the Examiner only to state that Dimitrova et al clearly and explicitly disclose the erasure of key frames from the first memory after completion of review, as cited in the final rejection.

In re page 11 and claims 23, 24, 53, and 54, Appellant's Representative states: There is no disclosure or suggestion within Dimitrova et al. or Marino *[sic]* et al. for reviewing the key frames by a user of the VPS, wherein the erasing occurs at a time when a predetermined condition has occurred and the predetermined condition includes completion of the executing of the video source frames."

The Examiner again notes that the Appellant's Representative has not noted any particular deficiency in the Examiner's citation of the prior art, but simply declares that the citation does not disclose the recited features. This leaves the Examiner only to state that the citation clearly and explicitly does meet the recited limitations, as cited in the final rejection. By further explanation, the citation of "keyframe filtering" in Dimitrova et al. is clearly an indication of removal (or erasure) of keyframes from the first memory, as is further explained in Col. 9, lines 56-59, and further explicitly discloses this

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happening upon completion of the executing of the video source frames as cited in the final rejection.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

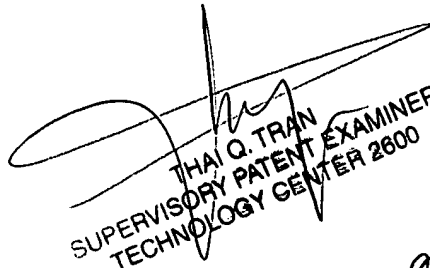
James A. Fletcher



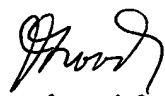
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